IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.2161 OF 2004

Suresh K. Deora : Petitioner.

versus

Credit Agricole Indosuez & ors. : Respondents.

Mr.S.P.Bharti for the petitioner.

Mr.R.S.Dhaygude i/by S.S.Parab for Respondent No.1.

Smt.V.R.Bhosale, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : MARCH 18, 2006.

P.C.

1. Advocate for Respondent No.1 prays that as advocate Mr.Sanjay Parab is busy in other court, the matter should be adjourned. Prayer is rejected.

2. By this petition, the petitioner -

original accused has challenged the order dated 4th November 2003 of issuance of process under Section 138 of the Negotiable Instruments Act against him. This Court, (Coram : Smt.V.K.Tahilramani,J), in the case of **V.K.Jain and others v/s. Pratap Padode and another reported in 2005(3) Mh.L.J. 778** held that the power of High Court under Section 482 of the Criminal Procedure Code should not be exercised when efficacious remedy of preferring revision before the Sessions Court against the order of issuing process is available to the applicants. Therefore, the petitioner/accused should approach the Sessions Court by preferring revision in respect of the order of the Magistrate issuing process. In this view of the matter, this petition is not maintainable. It is disposed of with liberty to the petitioner to approach the concerned Sessions Court within four weeks from today. Ad-interim relief to continue till then. Needless to say that the time spent in this petition will be taken into consideration by the Sessions Court while entertaining that revision.

[D.G.DESHPANDE]